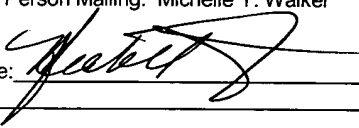




CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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Name of Person Mailing: Michelle Y. Walker

Signature: 

Date: 8/6/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: Bowen et al.

Serial No.: 10/056,479

Group Art Unit: 1634

Filed: 01/24/2002

Examiner: Juliet C. Switzer

For: METHODS FOR IDENTIFYING GENES REGULATING DESIRED CELL PHENOTYPES

COMMISSIONER FOR PATENTS
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION / ELECTION REQUIREMENT

This amendment is in response to the non-final Office Action dated May 6, 2003, in connection to the above-identified application for which a response was due on June 6, 2003. A petition for a two month extension of time is attached, making this response due on or before August 6, 2003. Accordingly, this response is timely filed.

Applicants have given careful consideration to the issues raised in the outstanding Office Action, and the Applicants make the following elections:

08/13/2003 BSAYASI1 00000036 502247 10056479

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RESTRICTION / ELECTION OF INVENTION

The Examiner required restriction between five inventions as follows:

Group I: Claims 1-26, drawn to methods for identifying a gene associated with a desired phenotype, classified in class 435, subclass 6.

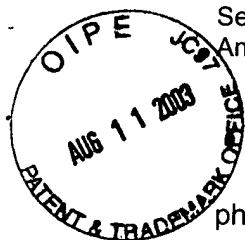
Group II: Claims 27-36, drawn to methods for producing catechin, classified in class 530, subclass 412.

Group III: Claims 37-41, drawn to methods for identifying a compound that increases production of catechin in a cell, classified in class 436, subclass 501.

Group IV: Claims 42-49, drawn to methods of identifying a protein that increases production of a catechin in a cell utilizing gene expression analysis, classified in class 435, subclass 69.1.

Group V: Claims 50-51, drawn to methods for identifying transcripts encoding proteins that catalyze the production of catechin, classified in class 436, subclass 6.

The Applicants elect Group I, Claims 1-26, without traverse.



RESTRICTION / ELECTION OF SPECIES

The Examiner has further requested an election of species for cell type, phenotype, stimulus, and genes from the following groups:

- 1) Cell type:
 - a) Plant Cells
 - i) *Ajuga reptans* cells
 - ii) *Taxus baccata* cells
 - iii) *C. fascicularis*
 - iv) *C. dejecta*
 - v) *C. barkleyi*
 - vi) *C. acinaciformis*
 - vii) *S. tectorum*
 - viii) *F. convolvulus*
 - ix) *R. obtusifolia*
 - x) *R. sagittatus*
 - b) Animal cells
 - c) Fungal cells

The applicants elect group a), Plant Cells, without traverse. If the Examiner wishes to make a further restriction within this group, Applicants elect i) *Ajuga reptans* cells.

- 2) Phenotype
 - a) production of terpenes
 - b) production of catechin
 - c) accumulation of catechin

The applicants elect group a), production of terpenes, without traverse.

- 3) Stimulus
 - a) *Candida*
 - b) methyl jasmonate
 - c) zeatin
 - d) 24-epibrassinolide
 - e) 1-aminocyclopropane-1-carboxylic acid

The applicants elect group a), *Candida*, without traverse.

- 4) Gene
 - a) terpene cyclase
 - b) galloyltransferase
 - c) epimerase
 - d) reductase

The applicants elect group a), terpene cyclase, without traverse.